in the hands of prosperous persons, for whom the poor constitute workers. 423

The smaller the number of livestock, the more farming there is. 311 /103/ Since the time of famine in the year of the rabbit, (1) the

1. The famine of the winter of 1879-1880. For a description of this winter see Nos. 17 and 18 of the Turkestanskie Vedomosti, 1885, in the article by Aleksandrov: "Iz zhizni stepnykh uezdov Syr-Dar'inskoi Oblasti" /From life in the steppe uyezds of the Syr-Darya oblast/. [731]

The cycle of twelve years, by which the Turks determine age and time elapsed, consist of the following names: 1) chichkan, mouse, 2) siir, cow, 3) bars, tiger, 40 koyan, rabbit, 5) ulu, crocodile, 6) dzhilan, snake, 7) dzhilky, horse, 8) koy, ram 9) meshin, monkey, 10) tauk, hen, 11) it, dog, and 12) tonguz, pig. [805]

nomads, realizing the lack of stability of livestock raising on the principles accepted by them, have turned to the production of supplies of grass in winter, and to agriculture.

For the damage of a hayfield from cattle grazing, according to Torgai, they pay the householder damages only if he himself has not ceased to use that hayfield. 685

If a man who is inscribed in another uyezd wishes to engage in agriculture in a strange pasture or a strange summer camp, the community to whom the land belongs demands rent from him for its use, the amount of which depends on the conditions. The person in question is forbidden to plant trees and to build. But as soon as he is inscribed in that uyezd and volost where his tilled land is, the land becomes his property and he pays the usual tributes (chubauz) and dues. 427 423

Swampy places (tugai), overgrown with rushes, etc. are still not sold, since they are widespread. Nevertheless they are becoming more and more associated with the person who winters in them and has stores of hay, with which he frequently leaves people during the summer. Persons of outside communes are not admitted to these winter camps. In case of misunderstandings, these persons pay money for the fodder under foot - chubauz (Perovsk uyezd).

To put through a new canal, one or more workers, depending on the amount of work, come out from each tent of the group of ten, group of fifty, or of the village or in general that group of people 425 476 312

425 who agree among themselves to be shareholders (kumalak). Each
476 tent participating in this receives a sector of irrigated land commen-
312 surate with the number of workers it sent, /104/ the days of work and in general the labor expended (mikhnat). Those who did not participate in putting through the canal are not given a sector.

427 In case of departure, a shareholder can rent out his sector, or
432 reconvey it with all rights and obligations to another, from whom he
312 receives a remuneration for the labor expended. Sectors growing clover are not only leased out but also sold for a price which is independent of the labor expended by the shareholder. In the Kurama uyezd, they sell not only sectors growing clover but every kind of plot. Among both the Kazakhs and the Challa Kazakhs, there is no knowledge of the shafi, i.e., the right of the neighbor as the most favored buyer. The buyer of the sector joins the commune liable to taxation, to which this sector belongs. (Perovsk and Kurama uyezds).

312 The person who puts through the canal and irrigates a certain
425 area of land with it receives the right to the use of this land. The canal is usually named after him, in addition.

If someone puts through a new canal in the canal bed of an old one, and after a certain length of time the proprietor of the latter appears, they refuse him satisfaction saying: "Why did you not declare yourself sooner? Then we would have put the canal through in another place."

312 If a certain clan digs out a canal or a well, with the slaughter-
423 ing of an animal before the work is begun, as is the custom, and if it later departs to nomadize elsewhere and another clan settles there in
425 its place, the first clan, on reappearing, will demand its canal or well. Such demands are made by the relatives, even to the seventh generation. "Here the labor of our grandfathers was expended" (baba myzdyng mikhneti), they say in such cases. If the accused refuse, under the pretext of not knowing about the previous owners, the plaintiffs are required to swear that they or their ancestors dug out the canal or well. If the clan which occupied the canal or well after it was made expended labor on cleaning and repairing it, it is told: "You used the water for this." If they have not yet used the water, they are permitted to settle together /105/ (kosylyb egever) and share in the payment of taxes and dues, but only if they renounce with a written document the rights to the canal or the well. In such a case, the land they occupy is considered only a pledge.

Among the Kirgiz, canals and wells belong to those who first dug them with the slaughtering of an animal, even though others

deepened them and repaired them. The latter must withdraw when the first proprietor presents witnesses or a personal oath. It goes to the later proprietor in the case where no one knows of the digging except the first person. If the second proprietors have planted trees or done building, the water belongs to the first owners and the trees and buildings to the second. The first owner can buy them off, and he can also demand their removal. 312 423 425

Where underground water is near the surface, everyone digs his own well (kuduk). In digging a deep well, to a depth of 5-6 sazhens (chingrau) /35-40 feet/, the nomads hire workers who know the business, for pay which is determined beforehand, and which remains the same without regard to the depth at which the water appears. At the same time they enter a condition that no wergeld will be demanded for workers who might be covered by sandy dirt caving in. 312 675

According to Umurbek and others, the proprietor of a well can refuse water to a stranger. 423

There were yarlyks of the khans on the right of the use of water, some of which survive to this day. The yarlyks do not mention land, but canals, winter camps and summer camps. The latter are mentioned without fail in one and the same yarlyk, for the Kazakhs cannot remain in one place the year round. If a winter camp which is owned by the yarlyk remains unoccupied by its proprietor, and during this time others settle on it, the proprietor receives it back, in any case even if they put buildings on it. The son of the previous owner can make the same demand, but never a strange man, whose right to the land was promised in some way by the previous owner. The newcomers give up the building, and remain on the neighboring land.

/106/ If a clan puts in a claim for land planted by another clan, without founding the claim on any documents, the biis settling this dispute must interrogate persons who are not implicated in the affair and also the elders from the people. If with all this no one knows whether the father or the grandfather of the plaintiff sowed this land, and even if it appears that they planted for two or three years, about 20-30 years previously, then in the case that the present proprietors have no documents, an oath is demanded of them. 423 695

If the fathers and grandfathers of the plaintiff did plant this land in earlier times, and then abandoned it and departed 20-30 years ago, and their children or descendants file a claim with no documents or proof except for traces of kurganchey or winter camps, established by them or their predecessors, then in case the opposite

A master who is touched by the plea of the servant, who throws himself down at his feet and holds him by the hand, sometimes forgives the entire suit. When there are blows from both sides, the matter passes without attention. 466

A servant is not fined for negligent service, but is only dismissed with a settlement. At present some require a servant to pay for damage resulting from his negligence. For example, if a sheep is lost during the day, some sue for half or one-third of its value. But if it is lost at night the shepherd is not guilty because he sleeps at night. Sometimes a koychi gives a friend a sheep belonging to his master, which the latter does not even miss. The shepherd justifies himself by saying that it ran away. If the deception is uncovered, the shepherd pays the value of the sheep and an additional fine in the amount of one sheep. If the master recalls that there were losses of sheep even earlier under this shepherd, he then requires an oath concerning these losses from the shepherd himself, or if the shepherd lives with his family or his kinsmen, he requires the oath from them. The master may consider it a dishonor to himself to take an oath from a shepherd as a person not his equal (koychinyn dzhanyn almaymyn, durus ksi imes). In this case the biis require the oath from the master himself. 466 233

The shepherd is not held responsible for sheep eaten by wolves even when conditions had been made for reimbursement of damages. A shepherd is not held responsible at all for falls and natural death (adzhal') of the livestock.

Only a rebuke, but not a suit is made for the shearing of wool with scissors (kyrktys) from the master's sheep by a strange man or by the shepherd himself, for the wool, milk and working power of the animals is considered "the beneficence of the animals" (malnyng khayry), and no payment is made for their use. /120/ A person who demands payment for them is reproached with the words: "Let that man perish who has not grown wealthy" (bay bolmay ulsin).

A strange animal joining the herd (buralky, nukatyk) is in general acquired by the shepherd. A greedy master can demand it for himself on the ground that his livestock attracted the strange animal. Among the Kirgiza strange animal joining the herd goes to the shepherd if he does not declare it to his master. But if the master finds out about it, he demands it for himself because it joined (singib kitti) his herd. Some keep the strange animal (bularky in Kirgiz), others slaughter it for kudai, a feast of the people. Under the Russian dominion it has been established that a runaway or strange animal 466 233 425

joining the herd must be presented to the authorities. The master who loses an animal turns to the authorities who investigate the whereabouts of the lost animal.

According to Makovetkii (I p. 43), the amount of syuyunchi for the presentation of a lost animal goes up to one-fifth its value. An exception is the sheep: the person who finds it keeps its offspring, and returns the lost animal to the owner. But if he spoils the sign of the owner on the sheep, then he returns the sheep and its offspring. Torgai says that the person who finds a pregnant sheep returns the ewe and the lamb to the owner, so that if the finder ever loses a pregnant ewe he will also get it back with the lamb. But if the owner of the found ewe declares himself only after two or three years, he is given one ewe, "in accordance with the customary law and the Shariat, " and they say: "If you recognize your lamb, take it" (kozysyn tanysang alakoy). Torgai also knows another opinion, by which an owner who appears after two or three years is granted only half a sheep, having in view the expense and labor of its maintenance (bagyb kagyb). If the person who found the sheep denies it, the oath is required of the owner himself. For the return of his lost horse, cow or camel, the owner must present seven witnesses (isbat), of whom two must swear an oath. If the finder has informed everyone of his find, it is not thievery for him to put his brand on it.

/121/ Livestock are kept for two or three weeks. After that, they declare to the volost administrator that the owner has not appeared.

If the animal found gives birth to a calf, the calf is not divided from its mother and also belongs to the owner, while if no owner appears, it belongs to the finder. If many livestock are lost, and fewer found, the finder is accused of having hidden the rest. This kind of case is settled on the basis of testimony from unimplicated persons, without an oath.

Things which are found (nerse, buyum), go to the finder if no one witnessed the finding. If there were witnesses, the find is kept by the finder from one to two months until the owner appears, who then receives his object for the payment of syuyunchi.

The longer the object is kept, the larger the amount of the syuyunchi. Speaking approximately, for an object worth 1 ruble, the syuyunchi amounts to 20 kopeks, for something worth 10 rubles, 2 rubles, for something worth 20 rubles - 5 rubles, for a horse - 1 tillia /3-4 rubles/, for a camel, 5-8 rubles. If the owner of the thing does not declare himself, it becomes the possession of the finder.

When money is found it is divided among all those present when it is found, with the obligation to give it up if the owner declares him-

self.

If the youngest among the travellers finds a coat, cap /tyubeteyka/ or other parts of clothing, he gives what he has found to the eldest, on the demand of the others. If all are of the same age, the thing found is given to the person of the white bone. If there is no one belonging to the white bone among them, it is given to the guest, i. e., the person of a strange clan. If there is no guest, it is given to the mullah. If there is no mullah, it is given to the married man, because married men are in general senior to bachelors. If all are married, it is given to him who married earliest. This giving out of clothing is called baylagan.

If a fox is seen in a strange trap (kakpan), the finder takes it for himself and leaves the trap. To take the trap is to steal, but taking the fox is not stealing. (1) Even in /122/ court when the trap is required to be given up, it is never demanded that the fox taken at the same time be given back.

1. If an owner of a trap or a hunter with a dog catches a first fox, and if a Kazakh who rides by by chance, even a stranger, announces that he needs it /122/ for a gift or for the success of his future hunting, the hunter gives it to him. In case he refuses he pays a fine.

If a hunter (mirgen) kills a wild ass before others, he gives its back (sauri) to the oldest of these, or to the mullah, and in general as was related above. The giving up of the animal which has been shot is called syralyga. (All the above information from Torgai).

In the Perovsk uyezd, money, clothing, strange livestock joining the herd, etc., which are found, remain with the finder, and it is brought to the knowledge either of the supposed owners or of the authorities. Then the find is given back to the owners for syuyunchi, which is equal to one-tenth or one-twentieth of its value, i. e., approximately four times less than when it is taken from a thief. They are given back to kinsmen without pay. If the owner of the object does not declare himself in one or two years, the object found becomes the property of the finder. If the find was not announced to the public (dzhau kege shygarmak) with the purpose of appropriation, and then the owner of it appears, then the object, or if it no longer exists the value of it is returned to the owner, with all his court expenses, but without a fine. The concealment of a find from the investigation of an owner is considered thievery.

425 Among the Kirgiz a find belongs to the finder, with its division into parts for the witnesses of the find.

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422 577 Scrupulousness with regard to objects accepted for safe-keeping (amanat) is a moral obligation, but not a juridical one, as is evident from its name: "godly amanat" (kudai amanat). Therefore objects are given for safe-keeping only to persons one knows well, or to kinsmen.

422 685 672 Objects being kept in safe-keeping are returned to the owner on his first request. The owner beats the guilty person for their fraudulent loss and sale, calling him to account, as though for robbery. The keeper is not held responsible for an accidental loss, reported immediately to the elders or authorities. The Kirgiz have /123/ the same custom. For the undeclared loss of an object which was given without witnesses, an oath is required from the defendant or the plaintiff, if they are good people. On the basis of the oath they may or may not require the return of the object and the payment of court expenses, but there is no fine or other penalty. If the object was given before witnesses, the judgment is made without the oath. If expenses were connected with the acceptance of the objects for safe-keeping, these are paid by the owner.

If the person who has accepted the object requested it himself for temporary use, he pays the expenses connected with its transfer, also for the deterioration of the object from use, and for accidental damage and loss (for example, the loss of livestock during a snowstorm).

Cargo being conveyed by drivers is also considered something entrusted for safe-keeping. The loss of the cargo by a driver who has engaged himself to deliver it to its destination is equated with premeditated robbery, i. e., the value of the cargo is returned with a fine of double the value. In case the driver was forced by necessity to transfer the cargo to another person to deliver, he is freed from the responsibility, upon presentation of a receipt from this person.

If in a fire or other general calamity (tengri kazasy) only the amanat perished and no other property, the full value of it is required to be paid. If, however, the amanat and the property of the person keeping it both perished, then the latter either pays half its value, or 422 else pays nothing at all (Perovsk and Auliye-Ata uyezds). An agreement is made concerning the degree of responsibility for the object